IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

AND
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24431 of 2003

Between:

M/s Swathi Polymers, rep. by its Managing Director,
G. Mohan Reddy S/o Lakshma Reddy aged 39 years,
8-32/A, New Hema Nagar, Boduppal, Ranga Reddy District

..... PETITIONER

AND

1 M/s Oriental Bank of Commerce, rep. by Senior Manager,
No. 126, Sarojini Devi Road, Secunderabad
2 Government of India, rep. by its Secretary,
Law and Legislative Affairs, New Delhi

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the Securitization and Reconstruction of Financial and Enforcement of Security Interest Act, 2002 is unconstitutional and consequently declare that the Notices issued by the 1st respondent Bank on 18-8-2003 and
7-11-2003 U/s 13(2) of the said Act is illegal and direct the respondents not to realise loan amounts from the petitioner without resort to a court of law or judicial authority and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: Mr. S.SREENATH

Counsel for the Respondent No.1: Mr. B.S.PRASAD

Counsel for the Respondent No.2: Mr. A. RAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

The Court made the following :

ORDER: **(Per Hon'ble Sri Justice B. Sudershan Reddy)**

The subject matter that arises for consideration in this writ petition is squarely covered by the judgment of the Supreme Court reported in ***"MARDIA CHEMICALS LTD.*** *Vs.* ***UNION OF INDIA.***

Following the said judgment, this writ petition shall stand dismissed with the same observations that have been made in the said judgment.

B. SUDERSHAN REDDY, J.

Date:08-12-2004

C.V. RAMULU, J.

GS/KS

To

1 The Senior Manager, M/s Oriental Bank of Commerce,
No. 126, Sarojini Devi Road, Secunderabad

2 The Secretary, Government of India,
Law and Legislative Affairs, New Delhi.

3 Two C.D. Copies.